

FILED

2012 AUG -9 PM 5:17

CLERK U.S. DISTRICT COURT  
CENTRAL DIST. OF CALIF.  
RIVERSIDE

BY: \_\_\_\_\_

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

WELLS FARGO BANK NATIONAL  
ASSOCIATION, AS TRUSTEE,

Plaintiff,

v.

ERASMO PEREZ,

Defendant.

Case No. CV 12-6317-UA (DUTYx)

ORDER RE: SUMMARY REMAND  
DUE TO IMPROPER REMOVAL

On July 23, 2012, Erasmo Perez, lodged a Notice Of Removal, a Complaint for unlawful detainer and damages, and an application to proceed *in forma pauperis*. Plaintiff has brought suit in a straight-forward unlawful detainer action in the Los Angeles County Superior Court. The Court has denied the aforementioned application under separate cover because this action was not properly removed. As a result, the Court issues this Order to remand the action to state court.


Plaintiff could not have brought this action in federal court based on federal question jurisdiction because the underlying matter is a straight-forward unlawful detainer action. 28 U.S.C. §§ 1331, 1441(a). Further, assuming a claim of diversity jurisdiction was to be asserted as a basis for removal, the Court notes Plaintiff in the

1 unlawful detainer action seeks damages which do not exceed the \$75,000 threshold,  
2 excluding interest and costs. 28 U.S.C. §§ 1332(a), 1441(b).

3 Accordingly, IT IS ORDERED that (1) this matter be REMANDED to the  
4 Superior Court of California, Los Angeles County, 111 North Hill Street, Los Angeles,  
5 California 90012, for lack of subject matter jurisdiction pursuant to 28 U.S.C. § 1447(c);  
6 (2) that the Clerk send a certified copy of this Order to the state court; and (3) that the  
7 Clerk serve copies of this Order on the parties.

8  
9 **IT IS SO ORDERED.**

10  
11 DATED: July 31, 2012

  
12 HONORABLE AUDREY B. COLLINS  
13 Chief United States District Judge

14 Presented by:

15  
16 HONORABLE OSWALD PARADA  
17 United States Magistrate Judge